

PATENT

Attorney Docket No. DLP/001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 15 2005

First Named Inventor: Edward H. Kilduff	Group Art Unit: 2856
Serial No.: 10/765,294	Examiner:
Filed: 01/27/2004	Charles D. Garber
Title: Adjustable Measuring Scoop	

**PETITION UNDER 37 C.F.R. 1.313(c)(2)
FOR WITHDRAWAL FROM ISSUE AFTER PAYMENT OF ISSUE FEE**

Mail Stop 313(c)
Office of Petitions
P.O. Box 1450
Alexandria, VA 2213-1450

Applicant hereby petitions for withdrawal of the subject application pursuant to 37 C.F.R. 1.313(c)(2) after payment of the issue fee. This petition is meritorious for the reasons set forth below.

Subsequent to paying the issue fee, through a corresponding PCT proceeding Applicant became aware of European Patent Application Publication EP 1048252, which is considered material to the patentability of the present application and not cumulative to the other prior art of record.

Pursuant to 37 CFR 1.313(c)(2), a Request for Continued Examination in compliance with 37 CFR 1.114 is included herewith, and a copy of European Patent Application Publication EP 1048252 is included with a Supplemental IDS following the RCE and its accompanying Preliminary Amendment and Remarks.

Refund of the issue fee is hereby requested.

Respectfully submitted,
Law Offices of Thomas J. Brindisi

Dated: December 14, 2005

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